

REMARKS

In the Office Action dated March 30, 2009, the Examiner: rejected claims 18-20 under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention; rejected claims 1-3, 10-14 and 18-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,910,078 ("*Raman*"); rejected claims 4, 24-26, and 28 under 35 U.S.C. 103(a) as being unpatentable over *Raman* in view of U.S. Patent 6,116,345 ("*Fontana*"); and objected to claims 5, 6, 8 and 9 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

§ 101 REJECTIONS

The Examiner rejected claims 18-20 as being directed to non-statutory subject matter. Applicants have amended claim 18 to recite "a method performed by a redundancy manager device". The claimed method is tied to a statutory device and is thus patentable subject matter. For at least this reason, Applicants respectfully request that the § 101 rejections of claim 18-20 be withdrawn.

§ 102 REJECTIONS

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

Claim 1, in part, requires "a first master device generating a first data stream" and "a second master device generating a second data stream, the first and second master devices being independent". Claim 1 further requires "[a] redundancy manager [that] is operable to selectively forward one of the first and second data streams to [a] slave device". The Examiner cites *Raman* as anticipating these limitations. See Office Action dated 03/30/09, page 3, item 6. However, *Raman* does not teach a master/slave system with multiple masters and a redundancy manager as in claim 1. Instead, *Raman* teaches a client/server system with multiple servers and a failover manager. As would be understood by one of ordinary skill in the art, clients and servers are not the same as master devices and slave devices respectively. If any comparison can be made, it would be the opposite. In other words, clients

are master devices that issue requests and servers are slave devices that respond to the requests from the clients. In such case, *Raman* teaches one master device (client 130) that issues a request and two slave devices (servers 120 and 122). *Raman*'s failover manager 150 detects when server 120 cannot respond to a request from client 130 and causes server 122 to respond to the request. Based on the foregoing, *Raman* does not anticipate Applicants claimed master/slave system with multiple masters and a redundancy manager as in claim 1. For at least these reasons, claim 1 and its dependent claims are allowable over *Raman*.

Claim 10, in part, requires "a redundancy manage device" where "the switching mechanism is configured to receive a first data stream associated with a first master device and a second data stream associated with a second master device" and where "the switching mechanism is configured to implement a default configuration that forwards one of the first and second data streams to the slave device". For much the same reasons as given for claim 1, *Raman* does not teach the above limitations. In *Raman*, the data communications device 110 enables redundant slave devices (servers 120 and 122) to service requests from a single master device (client 130), which is the opposite of Applicants' claimed redundancy manager. For at least these reasons, claim 10 and its dependent claims are allowable over *Raman*.

Amended claim 18, in part, requires "receiving a plurality of data streams, each data stream being received from a different master device" and "forwarding one of the data streams to a slave device according to a prioritization of data stream validity estimates, requests to forward a particular data stream, and a switch-based timing threshold". For much the same reasons as given for claim 1, *Raman* does not teach the above limitations. For at least these reasons, claim 18 and its dependent claims are allowable over *Raman*.

§ 103 REJECTIONS

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. The key to supporting any rejection under 35 U.S.C. § 103 is the clear and explicit articulation of the reason(s) why the claimed invention would have been obvious. *MPEP* § 2141 (citing *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007)). Articulated reasoning with a rational underpinning is required to support a conclusion of obviousness, rather than mere conclusory statements. Further, to reach a proper determination, the Examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art." In reaching a

determination, the Examiner must avoid impermissible hindsight and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

Claim 24, in part, requires "a first master device" and "a second master device". Claim 24 further requires "a subsea tool responsive to commands received from the first and second master devices" and "means for switching mastership of the subsea tool between the master devices". The Examiner recognizes that *Raman* does not teach a subsea tool and relies on *Fontana* to support the obviousness rejection. See Office Action dated 03/30/09, page 8, item 8. However, *Fontana* does not overcome the deficiencies of *Raman*, which fails to teach multiple master devices and a means for switching mastership between the master devices as in claim 24. For at least these reasons, claim 24 and its dependent claims are allowable over *Raman*.

CONCLUSION

During the course of these remarks, Applicant has at times referred to particular limitations of the claims that are not shown in the applied prior art. This shorthand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of this required claim construction. Unless Applicant has specifically stated that an amendment was made to distinguish the prior art, it was the intent of the amendment to further clarify and better define the claimed invention and the amendment was not for the purpose of patentability. Further, although Applicant may have amended certain claims, Applicant has not abandoned its pursuit of obtaining the allowance of these claims as originally filed and reserves, without prejudice, the right to pursue these claims in a continuing application.

Should any fees have been inadvertently omitted, or if any additional fees are required, or if any fees have been overpaid, please appropriately charge or credit to those fees to Deposit Account No. 03-0335 of Cameron International, Houston, Texas and consider this paper a petition for any necessary extension of time.

If the Examiner has any questions or comments regarding this communication, he is invited to contact the undersigned to expedite the resolution of this application.

Respectfully submitted,

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